

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID PEYSER SPORTSWEAR, INC.,
MV CORP., INC., and DPS SALES, INC.

Plaintiffs,

-against-

ORDER ADOPTING REPORT &
RECOMMENDATION
06-CV-5742 (JS) (AKT)

QUALITY PAYROLL SYSTEMS, INC.,
BMB ENTERPRISES, INC., BERT GELLER,
JULIUS VEIT, and DOES 1-10,
inclusive,

Defendants.

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APPEARANCES:

For Plaintiffs: Franklyn H. Snitow, Esq.
Snitow Kanfer Holtzer & Millus, LLP
575 Lexington Avenue, 14th Floor
New York, NY 10022

For Defendants
Geller and Veit: David Blansky, Esq.
LaMonica Herbst & Maniscalco
3305 Jerusalem Avenue
Wantagh, NY 11793

Other Defendants: No Appearance

SEYBERT, District Judge:

Upon review of the Report and Recommendation ("Report") of Magistrate Judge A. Kathleen Tomlinson issued August 4, 2008, to which no party has objected, the Court hereby ADOPTS the Report in its entirety.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure any objections to the Report were to be filed with the Clerk of the Court within ten days of service of the Report. The time for filing objections has expired and no Party has objected.

Accordingly, all objections are hereby deemed to have been waived.

The Court ADOPTS the Report in its entirety and ORDERS that the action be STAYED pending resolution of the criminal proceedings against Defendant Bert Geller. In accordance with the provisions placed on the stay granted in a related proceeding, 06-CV-3013, the Court further ORDERS counsel for Bert Geller to provide bi-monthly written updates to Magistrate Judge Tomlinson and all parties to this action regarding the status of the criminal proceedings so that Magistrate Judge Tomlinson may determine whether the stay should remain in place.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
September 3, 2008